

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Scott Hutchison Enterprises, Inc., et al. : CASE NO: C-1-01-776

Plaintiffs :

Judge Weber

vs. :

Rhodes, Inc., et. al. :

Defendants. :

**REVISED JOINT PLAN AND PROPOSED SCHEDULING ORDER FOR THE  
CONDUCT OF THE CASE**

Come now the parties to the within litigation and hereby submit their joint plan and proposed scheduling order for the conduct of this litigation, in compliance with the Court's order of August 18, 2005.

**A. Preliminary Matters**


- (1) The parties have complied with Rule 26 (F) and are continuing to do so;
- (2) The exchange of information and theories for the litigation has been done.
- (3) The parties do not presently contemplate a need for limitations on discovery;
- (4) The parties do not presently contemplate the necessity for a protective order regarding discovery;
- (5) The parties have not agreed to consent to the jurisdiction of the magistrate or to alternative dispute resolution, but have not ruled out either;
- (6) This does not appear to be a complex case;

- (7) Motions seeking summary adjudication under F.R.C.P. 12(b)(1) through (7) are not contemplated;
- (8) Motions for summary judgment under F.R.C.P. 56, if any, will be filed on or before February 1, 2006.
- (9) A RICO statement is not contemplated;
- (10) Neither remand nor removal are contemplated;
- (11) The parties contemplate a jury trial.

**B. Scheduling**

- (1) Plaintiffs shall disclose the identity and qualifications of their expert witnesses on or before November 1, 2005. Defendants will disclose the identity and qualifications of their expert witnesses on or before December 1, 2005. Each party will disclose the identity and qualifications of any rebuttal expert witnesses within 30 days of the disclosure by the opposing party of witnesses whose testimony is expected to be rebutted by the rebuttal expert witnesses identified;
- (2) The discovery cutoff date shall be January 30, 2006;
- (3) The parties will file a joint status report on or before October 10, 2005;
- (4) Dispositive pretrial motions will be filed on or before February 27, 2006.
- (5) A proposed joint final pretrial order will be filed on or before March 31, 2006; and
- (6) The parties anticipate that the case will be ready for trial April 10, 2006.

Respectfully submitted,



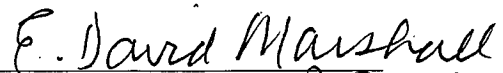
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